

ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.

(AS TO PRESENCE OF WHEAT FLOUR.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 17th day of May, 1909, in the district court of the United States for the southern district of California, in a prosecution by the United States against M. A. Newmark & Co., a corporation of Los Angeles, Cal. (F. & D. No. 226), for violation of section 2 of the act in the shipment and delivery for shipment from California to Arizona of flour contained in cartons which were labeled "Self-Raising Buckwheat Flour. Ready for immediate use. Manufactured by Sunset Pure Food Co., Los Angeles, Cal.," which said flour was adulterated and misbranded in that it contained a considerable quantity of wheat, the said M. A. Newmark & Co. having entered a plea of guilty, the court imposed upon it a fine of \$10.

The facts in the case were as follows:

On January 17, 1908, an inspector of the Department of Agriculture purchased from Spittler & Morris, Yuma, Ariz., a sample of flour labeled on the principal label "Self-Raising Buckwheat Flour. Ready for immediate use. Manufactured by Sunset Pure Food Co., Los Angeles, Cal." This sample was examined in the Bureau of Chemistry of the United States Department of Agriculture and found to contain an abundance of wheat flour mixed with buckwheat. It was apparent that the product was both adulterated and misbranded within the meaning of sections 7 and 8 of the act; adulterated, in that wheat flour had been substituted in part for the buckwheat flour, thereby reducing and lowering its quality and strength; and misbranded, in that it was labeled "Self-Raising Buckwheat Flour," whereas it was not buckwheat flour, but a mixture of buckwheat and wheat flours.

The Secretary of Agriculture afforded the parties an opportunity to show any fault or error in the findings of the analyst; Spittler & Morris established a guaranty from M. A. Newmark & Co., which company received the goods from the manufacturers, the Capital Milling Company (The Sunset Pure Food Company, Los Angeles, Cal.), but failed to establish a guaranty or show any fault or error in the findings of the analyst. The facts were accordingly reported by the Secretary of Agriculture to the Attorney-General and the case referred to the United States attorney for the southern district of California, who filed an information against the said M. A. Newmark & Co., with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*